

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

Case No.: 2018-CA-18704

DEUTSCHE BANK NATIONAL TRUST COMPANY AS
TRUSTEE FOR INDYMAC INDX MORTGAGE LOAN
TRUST 2007-AR5, MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2007-AR5,
Plaintiff,

v.

ARIANA BIRENCWAJG,
et al.,
Defendant(s).

**JOINT MOTION TO REMOVE FROM TRIAL DOCKET
DUE TO PENDING SETTLEMENT**

COMES NOW, Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY AS
TRUSTEE FOR INDYMAC INDX MORTGAGE LOAN TRUST 2007-AR5, MORTGAGE
PASS-THROUGH CERTIFICATES SERIES 2007-AR5 and Defendant, MARIO MIRABAL, by
and through undersigned counsel, moves to remove the case from the trial docket set for March
9, 2020 and further states:

1. This matter is current scheduled for trial before this honorable court on Monday, March 9, 2020 at 11:00am.
2. The Parties have reached an amicable resolution in this matter, which will ultimately result in a dismissal of this case with prejudice.
3. While the terms of the settlement have been agreed upon, full compliance with the terms of the agreement are not set to be concluded until April 6, 2020.
4. The parties anticipate the filing of the dismissal with prejudice on or about April 7, 2020.
5. No party will suffer undue prejudice if this matter is removed from the trial docket.
6. The Parties seek removal of this matter from the trial docket in good faith and judicial economy, and request the Court continue this matter for an additional 60 days.

WHEREFORE, the Parties respectfully pray that this honorable Court grant this Joint Motion to Remove from the Trial Docket and reset this matter for a future date to allow settlement terms to be completed and dismissal to be filed.

We hereby affirm that the above is true and correct:

/s/Jarret Berfond
Jarret Berfond, Esq.
Counsel for Plaintiff

03/05/20
Date

/s/Jason J. Ricardo
Jason J. Ricardo, Esq.
Counsel for Defendant

03/05/20
Date

CERTIFICATE OF SERVICE

I hereby certify that the above Motion was served upon counsel for Plaintiff, Brock & Scott, PLLC at flcourtdocs@brockandscott.com; Mortgage Electronic Registration Systems, Inc. c/o CT Corporation System, RA by US mail at 1200 South Pine Island Rd, Plantation, FL 33324; Citibank NA by US mail at 701 E 60th St. N, Sioux Falls, SD 57104; State of Florida Department of Revenue by US mail at 2450 Shumard Oak Blvd, Tallahassee, FL 32399 and to Ariana Birencwajg by US mail at 300 71st St. Ste 405, Miami Beach, FL 33141 this 5th day of March, 2020.

/s/Jason J. Ricardo
Jason J. Ricardo, Esq. (FBN 049123)
Ricardo & Wasylik, PL
P.O. Box 2245
Dade City, Florida 33526
Tel. 352-567-3173
Fax 352-567-3193
service@ricardolaw.com
Counsel for Defendant